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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/473,495	12/28/1999	TETSUYA ATSUMI	M2009-13	1052

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05/13/2003

DARBY & DARBY
805 THIRD AVENUE, 27TH FLR.
NEW YORK, NY 10022

EXAMINER

FISCHER, JUSTIN R

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 05/13/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/473,495

Applicant(s)

ATSUMI ET AL.

Examiner

Justin R Fischer

Art Unit

1733

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 20.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet

Continuation of 5: As acknowledged by applicant, Figure 17 of Jackson is directed to a golf club shaft construction having a first angled layer (62'), a first straight layer (66'), a second angled layer (68'), and a second straight layer (72'). While Jackson fails to include a perpendicular layer (first reinforcement layer) that is adjacent the mandrel, Sugiyama clearly teaches that it is desired to dispose such a reinforcement layer inwards and adjacent an innermost straight layer in order to prevent separation and optimize flexural rigidity. In the case of Jackson, a straight layer (60') is the innermost layer and in view of Sugiyama, one of ordinary skill in the art at the time of the invention would have found it obvious to dispose a perpendicular layer inward of the straight layer (60'). While the shaft assembly of Jackson in view of Sugiyama results in a perpendicular layer surrounded by a straight layer (60'), which in turn is surrounded by a first angled layer (62'), **the claims as presently drafted do not exclude a straight layer between the perpendicular layer and the first angled layer**, as previously set forth in Paper Number 13, Page 9.

As per applicant's argument about the weight of such a shaft construction, Jackson specifically suggests that additional layers can be incorporated into the shaft (Column 2, Lines 60-62). In this instance, the use of additional layers would be dependent on the specific use of the shaft and the desired properties. Thus, while the shaft of the claimed invention might be lighter than that of Jackson as argued by applicant, it is clearly within the scope of Jackson to incorporate additional layers as desired. The inclusion of such layers does not "unnecessarily" add weight to the shaft construction- the layers are recognized as providing a distinct benefit and their inclusion in the shaft of Jackson would have been obvious to obtain the aforementioned benefits. Lastly, although Jackson fails to suggest a second reinforcement, such layers are commonly used to reinforce the end portion of golf club shafts in an analogous manner to that disclosed by the claimed invention, as shown for example by Kusomoto.

In summary, one of ordinary skill in the art at the time of the invention would have had ample motivation, in view of Sugiyama and Kusomoto, to (a) include a first reinforcement layer (perpendicular layer) inward of the straight layer (60') and (b) include a second reinforcement layer outward of the straight layer (72'). It is emphasized that Sugiyama specifically suggests a perpendicular layer inward of an innermost straight layer and Kusomoto specifically suggests a second reinforcement layer outward of a straight layer (analogous order of Jackson and claimed invention) for the benefits detailed above. In

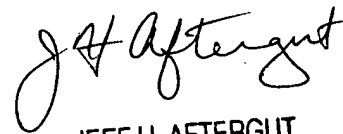
this instance, as stated above, the claims as presently drafted do not exclude a straight layer between the perpendicular layer and the first angled layer.

Continuation of 10: The information disclosure statement (IDS) submitted on April 24, 2003 was filed after the mailing date of the Final Office Action on December 26, 2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.



Justin Fischer

May 6, 2003



JEFF H. AFTERGUT
PRIMARY EXAMINER
GROUP 1300